

May 13, 1975

SENATOR KOCH: I am merely eliminating the Commission as it is written in the language of the original bill.

SENATOR DICKINSON: Well, then what would be the purpose of the State Tech College Board. If the area boards are operating under the guidance of the state Department of Education and the State Board of Education.

SENATOR KOCH: I will defer that question to Senator Lewis. He wants to answer it.

SENATOR F. LEWIS: Let me explain what happened. The first thing, the State Board is one of the facets which makes this bill so-called unconstitutional because it vested authority in them. There was a concern on the part of some that there be, at least, some degree of non-authoritarian board that would try to coordinate some of the activities by communication, by discussion with absolutely no authority, advisory. So the State Board is being replaced by the commission so that it is advisory in nature only because once you give it some authority, then it becomes a state system again which makes it unconstitutional. So the State Board is being replaced by the commission. Senator Koch is suggesting that the commission now be replaced by the State Board of Education, which I, again, think would make it unconstitutional.

SENATOR DICKINSON: So when we get through, if his amendment was adopted, we would have area boards for our technical-community colleges, and, then, and then only, we would have the State Department of Education and the State Board of Education and no one else.

SENATOR F. LEWIS: That's the way Senator Koch has it. The way the original bill called for right now is for a commission.

SENATOR DICKINSON: OK. Thank you very much.

PRESIDENT: Senator Clark.

SENATOR CLARK: I would like to ask Senator Lewis a question on this.

SENATOR F. LEWIS: Sure.

SENATOR CLARK: You have a commission set up by a group of people here...

SENATOR F. LEWIS: Yes.

SENATOR CLARK: ...with absolutely no authority to do anything.

SENATOR F. LEWIS: Other than to advise.

SENATOR CLARK: Just advisory, yes.

SENATOR F. LEWIS: Yes, that's right, like every other commission in the state I know of.

SENATOR CLARK: But you also have them funded by the General Fund. The Legislature shall appropriate from the General Fund such money as will be necessary for the commission to